

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DuWayne Wm. Otto,

Civ. No. 21-1610 (PAM/ECW)

Plaintiff,

v.

ORDER

Barbara Schmitt, Mary
Karl, and Minnesota
Department of Corrections,

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Elizabeth Cowan Wright dated October 5, 2021. (Docket No. 8.) The R&R recommends that Plaintiff DuWayne Wm. Otto’s claims against Defendants Mary Karl and the Minnesota Department of Corrections be dismissed. Otto filed documents on October 25, 2021 (Docket No. 9), but these documents appear to be in response to Magistrate Judge Cowan Wright’s Order to Show Cause (Docket No. 7) and not an objection to the R&R’s determinations that Otto did not plead any individualized actions on the part of Defendant Karl and that the Minnesota Department of Corrections is immune from suit under the Eleventh Amendment.

This Court must review de novo any portion of an R&R to which specific objections are made; in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear

error). Out of an abundance of caution, the Court has reviewed the R&R de novo. The R&R's reasoning is sound and its conclusions are correct.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 8) is **ADOPTED**; and
2. All claims against Defendant Mary Karl are **DISMISSED without prejudice**; and
3. All claims against the Minnesota Department of Corrections are **DISMISSED** because this entity is immune from suit under the Eleventh Amendment.

Dated: October 26, 2021

s/Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge